

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 217.6 and 249A.4, the Department of Human Services amends Chapter 92, "IowaCare," Iowa Administrative Code.

Iowa Code section 249J.14(6) requires the Department to implement a program to reduce smoking among IowaCare members. These amendments allow IowaCare members to obtain smoking cessation drugs from community pharmacies instead of only from the University of Iowa Hospitals and Clinics in Iowa City and Broadlawns Medical Center in Des Moines. The current policy is impractical since it requires travel, in some cases hundreds of miles, for a prescription that is generally available in the local community. Expanded access to these drugs will make it easier for IowaCare members to receive assistance with smoking cessation. The Department expects that, with easier access, members will be more likely to take advantage of this benefit and be more likely to reduce their tobacco use.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on May 21, 2008, as **ARC 6807B**. The Department received no comments on the Notice of Intended Action.

The Department has added one technical amendment to reflect that premium payments are no longer accepted at Broadlawns Medical Center. Since July 2007, when premiums were no longer required for members with income at or below 100 percent of the federal poverty level, the number of members paying premiums at Broadlawns has decreased to the point that it is not cost-effective to have staff from the Iowa Medicaid Enterprise Member Services Unit stationed at Broadlawns to accept payments. As of July 1, 2008, if a member brings a payment to Broadlawns, Broadlawns Medical Center staff will provide the member with a postage-paid envelope to mail the premium to the Iowa Medicaid Enterprise. The Iowa Medicaid Enterprise has mailed a notice of this change to IowaCare members living in Polk, Warren, Jasper, Dallas, and Story Counties.

These amendments do not provide for waivers in specified situations because the change in access to drugs for smoking cessation constitutes a benefit and because any waiver of the premium policy would require maintaining staffing at Broadlawns Medical Center.

The Council on Human Services adopted these amendments on July 9, 2008.

The Department finds that these amendments confer a benefit on IowaCare members by allowing easier access to drugs for smoking cessation. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code chapter 249J.

These amendments shall become effective on August 1, 2008.

The following amendments are adopted.

ITEM 1. Amend paragraph **92.7(2)"a"** as follows:

a. Method of payment. Members shall submit premium payments to the following address: Iowa Medicaid Enterprise, IowaCare Premiums, P.O. Box 10391, Des Moines, Iowa 50306-9013. ~~Members may also submit premium payments to the Broadlawns Medical Center or other designated office that makes arrangements for armored delivery of the payments to the department's agent for receiving payments.~~

ITEM 2. Amend subrule **92.8(1)**, as follows:

92.8(1) Provider network. Except as provided in subrules 92.8(3) ~~and 92.8(4)~~ through 92.8(5), IowaCare members shall have medical assistance only for services provided to the member by:

ITEM 3. Adopt the following **new** subrule 92.8(5):

92.8(5) *Drugs for smoking cessation*. IowaCare members may obtain outpatient prescription drugs for smoking cessation that are related to another appropriately billed IowaCare service from any pharmacy participating in the Iowa Medicaid program.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.